

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SCOTT D. PHILLIPS,

Petitioner,

v.

CLIFFORD SMITH, Warden,

Respondent.


CASE NO. 2:07-cv-833
JUDGE SARGUS
MAGISTRATE JUDGE ABEL

OPINION AND ORDER

On December 4, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action hereby is **DISMISSED**.

IT IS SO ORDERED.

 1-13-2009

EDMUND A. SARGUS, JR.
United States District Judge